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9 MONSTER ENERGY COMPANY

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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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15 MONSTER ENERGY COMPANY,  
16 a Delaware corporation,

17 Plaintiff,

18 v.

19 JOF ENTERPRISE INC., a  
Massachusetts corporation; and  
JAMES FINNEY, an individual,

20 Defendants.

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21 } Case No. 5:22-cv-01458-AB-SP  
22 } **DECLARATION OF JACOB R.**  
23 } **ROSENBAUM IN SUPPORT OF**  
24 } **MONSTER ENERGY**  
25 } **COMPANY'S MOTION TO**  
26 } **COMPEL DEFENDANTS TO**  
27 } **PROVIDE RESPONSES TO**  
28 } **INTERROGATORIES AND**  
29 } **DOCUMENT REQUESTS**  
30 }  
31 } Discovery Document: Referred to  
32 } Magistrate Judge Sheri Pym

1 I, Jacob R. Rosenbaum, hereby declare as follows:

2       1. I am a partner in the law firm of Knobbe, Martens, Olson & Bear,  
3 LLP, counsel for Plaintiff Monster Energy Company (“Monster”) in this action.  
4 I have personal knowledge of the matters set forth in this declaration and, if  
5 called upon as a witness, would testify competently thereto. I submit this  
6 Declaration in support of Monster’s Motion to Compel Defendants to Provide  
7 Responses to Interrogatories and Requests for Production of Documents.

8       2. Attached hereto as **Exhibit 1** is a true and correct copy of an email  
9 chain between counsel for Defendants and myself between April 13 and May 25,  
10 2023.

11       3. Attached hereto as **Exhibit 2** is a true and correct copy of Monster’s  
12 First Set of Interrogatories to Defendants (Nos. 1-11) dated March 6, 2023.

13       4. Attached hereto as **Exhibit 3** is a true and correct copy of Monster’s  
14 First Set of Requests for Production of Documents to Defendants (Nos. 1-25)  
15 dated March 6, 2023.

16       5. Attached hereto as **Exhibit 4** is a true and correct copy of this  
17 Court’s 1) December 6, 2022 Order re: Jury/Court Trial and 2) April 18, 2023  
18 Order Granting Stipulation to Modify the Pretrial Scheduling Order.

19       6. Attached hereto as **Exhibit 5** is a true and correct copy of the  
20 Complaint in this matter, filed on August 18, 2022.

21       7. On May 31, 2023, I met and conferred with counsel for Defendants  
22 regarding Defendants’ failure to respond to Monster’s discovery requests. The  
23 parties were unable to reach an agreement.

24       8. During the meet and confer, Defendants’ counsel could not provide  
25 a date by which Defendants would be able to provide responses or produce  
26 documents in response to Monster’s discovery requests.

27       9. To date Defendants have not provided any responses to Plaintiff’s  
28 Interrogatories or Requests for Production of Documents.

1       10. On June 21, 2023, my partner Paul Stewart sent Monster's portion  
2 of a joint stipulation to counsel for Defendants. Attached hereto as **Exhibit 6** is  
3 a true and correct copy of the email sent by counsel for Monster to counsel for  
4 Defendants along with Monster's portion of a joint stipulation.

5        11. Under Local Rule 37-2.2., Defendants' portion of the joint  
6 stipulation was due by no later than June 28, 2023.

7       12. On June 27, 2023, I sent an email to counsel for Defendants,  
8 reminding him of the deadline for Defendants to provide their portion of the joint  
9 stipulation.

13. Defendants did not provide their portion of the joint stipulation or  
otherwise respond to Monster's correspondence.

12        14. On June 30, 2023, I sent an email to counsel for Defendants  
13 informing him that Monster intended to move forward with the present motion  
14 in view of Defendants' failure to provide their portion of the joint stipulation.

15        15. Attached hereto as **Exhibit 7** is a true and correct copy of an email  
16 chain between counsel for Defendants and counsel for Monster between June 21  
17 and June 30, 2023. This Exhibit contains the correspondence referenced in  
18 Paragraphs 10-14 above.

19 I declare under the penalty of perjury that the foregoing is true and correct.  
20 Executed on July 3, 2023, at Irvine, California.

/s/ Jacob R. Rosenbaum

Jacob R. Rosenbaum